



n Gottlieb
ner
) 735-8837
:lieb@morrisoncohen.com

January 10, 2025

VIA ECF

Hon. Margaret M. Garnett
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
Courtroom 906
New York, New York 10007

Re: Aamer, et al. v. Eden Gallery Group Ltd., et al., Case No. 1:24-cv-07678

Dear Judge Garnett:

We represent Defendants Eden Gallery Group Ltd., Cathia Klimovsky, Guy Martinovsky, Gal Yosef, and Cetra Art Corporation (collectively, “Defendants”) in the above-captioned matter. With the consent of counsel for Plaintiffs, I write pursuant to Section I.B.5 of Your Honor’s Individual Rules & Practices to jointly respectfully request: a) an adjournment of the January 23, 2025 Initial Pretrial Conference (the “Conference”) and the January 16, 2025 deadline for the Parties to submit pre-Conference materials, as set forth in the Court’s Order of November 7, 2024 (ECF No. 23); and b) an extension of Plaintiffs’ time to amend their Complaint (ECF No. 1) in response to Defendants’ Motion to Dismiss from January 21, 2025 to February 7, 2025.

The reason for the proposed adjournment of the Conference and the deadline to submit pre-Conference materials is that Defendants recently filed a motion to dismiss Plaintiffs’ Complaint (ECF Nos. 24-26, the “Motion to Dismiss”) on the basis of, *inter alia*, lack of subject matter jurisdiction. Subsequent to the Motion to Dismiss, the Parties conferred, and counsel for Plaintiffs communicated to counsel for Defendants that Plaintiffs intend to amend their Complaint in response to the Motion to Dismiss. Because the Court has not yet adjudicated whether there is subject matter jurisdiction, the Parties jointly respectfully request to adjourn the Conference and the deadline to submit pre-Conference materials and refrain from setting a schedule for the rest of the case at this time.¹ This is the second request to adjourn the Conference (*see* ECF No. 23).

¹ Courts have discretion to stay discovery upon the filing of a motion to dismiss that “raise[s] colorable, threshold challenges to this Court’s subject matter jurisdiction,” while “tak[ing] no position on how it will ultimately rule on Defendant’s motion to dismiss.” *Dunning v. Supergoop, LLC*, 2024 U.S. Dist. LEXIS 93748, at *2 (S.D.N.Y. May 22, 2024).



January 10, 2025
Page 2

Counsel for Plaintiffs requests an extension of Plaintiffs' time to amend the Complaint in response to Defendants' Motion to Dismiss from January 21, 2025 to February 7, 2025.² Counsel for Defendants consents to this request. Counsel for Plaintiffs' has informed counsel for Defendants that the reason for the proposed extension is so that Plaintiffs can consider and address the Defendants' arguments in Defendants' Motion to Dismiss, including those arguments concerning subject matter jurisdiction and personal jurisdiction, and prepare an amended complaint. This is the first request for an extension of Plaintiffs' time to respond to Defendants' Motion to Dismiss the Complaint.

The Parties anticipate that after Plaintiffs file their amended complaint, the Parties will promptly meet and confer on a briefing schedule for a putative motion to dismiss and/or a schedule for Defendants' answer to the amended complaint. If the Court grants the request to adjourn the Conference and the deadline to submit pre-Conference materials, then, after any motion to dismiss the amended complaint is filed, the Parties will meet and confer and advise the Court whether either Party has grounds to request that the Court not reschedule the Conference.

Thank you for your attention to this matter.

Respectfully,

/s/ Jason Gottlieb

Jason Gottlieb

GRANTED. The Initial Pretrial Conference, and the accompanying deadline for the parties' joint submissions, are hereby ADJOURNED *sine die*. The deadline for Plaintiffs to amend the Complaint is EXTENDED until **February 7, 2025**. After the filing of the Amended Complaint, the parties shall meet and confer and submit a status update to the Court by no later than **February 14, 2025** proposing a briefing schedule on any motion to dismiss or, alternatively, a date by which Defendants shall answer the Amended Complaint.

SO ORDERED. Dated January 13, 2025.

HON. MARGARET M. GARNETT
UNITED STATES DISTRICT JUDGE

A handwritten signature in black ink, appearing to read 'M. Garnett', written over the printed name of the judge.

² Pursuant to Rule II.B.6 of Your Honor's Individual Rules & Practices, the deadline for Plaintiffs to file an amended complaint is Monday January 20, 2025. January 20, 2025 is Dr. Martin Luther King Jr.'s Birthday, a Legal Holiday as defined by Fed. R. Civ. P. 6(a)(6) and a holiday observed by the Southern District of New York. Pursuant to Fed. R. Civ. P. 6(a)(1)(C), the deadline for Plaintiffs to file an amended complaint continues to run until the end of the next business day, or Tuesday January 21, 2025.